



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 4

COPY MAILED

JUL 02 2002

MCKEE, VOORHEES & SEASE, P.L.C.
801 GRAND AVENUE
SUITE 3200
DES MOINES, IA 50309-2721

In re Application of
McKirchy, et al.
Application No. 10/075,730
Filed: February 14, 2002
Attorney Docket No.: P02293US2

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed May 20, 2002 in response to the Notice of Incomplete Nonprovisional Application ("Notice") mailed March 7, 2002.

The Notice stated that the application had not been accorded a filing date because the application was deposited without drawings as required under 35 USC 113. The Notice indicates the filing date of the application will be the date of receipt of the omitted drawings. The Notice indicates that any assertion that the omitted drawings were submitted, or are not necessary for a filing date, requires applicant to submit a petition along with accompanying petition fee.

Petitioner argues that the application as filed included five (5) sheets of sheets as indicated on the return receipt postcard date stamped by the Office acknowledging receipt of the five (5) sheets of drawings. Petitioner has included a copy of the postcard along with a copy of the five (5) sheets of drawings.

The original five (5) sheets of drawings submitted with the application papers have not been located. However, in view of the evidence presented, the petition to include the five (5) sheets of drawings in the application as originally filed is **GRANTED**.

No fee is due in connection with this matter. The previously submitted \$130.00 petition fee has been refunded to deposit account No. 26-0084 as authorized in the instant petition.

Since the original five (5) sheets of drawings cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

This application will be forwarded to Office of Initial Patent Examination for further processing with a filing date of February 14, 2002.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Beverly M. Flanagan
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy